## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

GLORIA CLARK,	)	
Plaintiff,	)	8:06CV313
vs.	)	ORDER
J.C. PENNEY CORPORATION,	)	
Defendant.	)	

This matter is before the court on the plaintiff's Demand for Jury Trial and Designation of Place of Trial (Filing No. 5). On April 25, 2006, the plaintiff filed an affidavit in support of her motion. See Filing No. 8. The defendant did not file any opposition to the motion. The defendant filed the notice of removal on April 10, 2006. See Filing No. 1. The defendant did not make a written request for place of trial, however the case was calendared for trial in Omaha "in the city where the clerk's office receiving the case for filing is located" in accordance with the local rules. See NECivR 40.1(c). The plaintiff's request for trial in Lincoln, Nebraska was timely filed. The plaintiff contends holding trial in Lincoln, Nebraska would be more convenient than holding trial in Omaha because the facts giving rise to this lawsuit occurred in the J.C. Penney store located in Grand Island, Nebraska. Accordingly, the plaintiff contends Lincoln is a more convenient forum for witnesses. In deciding the place of trial "the judge shall give consideration to the convenience of litigants, witnesses and counsel." NECivR 40.1(b)(2). Under the circumstances of this case, it appears Lincoln would be more convenient for the litigants, witnesses and counsel. Upon consideration,

## IT IS ORDERED:

- 1. The plaintiff's request to change of the place of trial (Filing No. 5) is granted.
- 2. The Clerk of Court shall amend the docket in this matter to reflect the place of trial is Lincoln, Nebraska.
- 3. The Clerk of Court shall direct this case to Chief Judge Joseph F. Bataillon for reassignment to a judge who regularly sits in Lincoln, Nebraska.

DATED this 16th day of May, 2006.

BY THE COURT: s/ Thomas D. Thalken United States Magistrate Judge